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Superior Court of California
County of Los Angeles

JUN 15 2017

Sherrill R. Gaffey, Deputy Clerk
By:  , Deputy
Sherrill Gaffey

11 Attorneys for Plaintiff

12 NO FEE – GOV’T CODE § 6103

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

15 THE PEOPLE OF THE STATE OF CALIFORNIA,

16 Plaintiff,

17 vs.

18 BHAVNA JAYESH PATEL aka BHAVNA KIRAN
19 PATEL, as an individual and as trustee of the
20 BHAVNA JAYESH PATEL REVOCABLE LIVING
21 TRUST dated January 16, 2010 d/b/a RIGHT
22 STEP INN; RAMESHKUMAR VAGHASHIA aka
23 RAMESH KUMAR, an individual; and DOES 1
24 through 50, inclusive,

25 Defendants.

26 Case No.: BC 665312
27 COMPLAINT FOR ABATEMENT AND
28 INJUNCTION

29 [CIVIL CODE SECTION 3479, *ET
30 SEQ.*; BUS. & PROF. CODE SECTION
31 17200, *ET SEQ.*]

32 (Unlimited Action)

33 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

34 I. INTRODUCTION

35 1. This action (“Action”) is brought and prosecuted by Plaintiff, the People of the
36 State of California (“People”), for the purpose of abating and enjoining a dangerous gang-
37 related public nuisance existing at the Right Step Inn, a single room occupancy hotel located at
38 813 Watson Ave., in the Wilmington neighborhood of Los Angeles (hereinafter the “Property”).
39 The above-captioned defendants (“Defendants”), as described below, are the owners and/or
40 operators of the Property. This action is brought pursuant to the Public Nuisance Law (“PNL”),
41 California Civil Code section 3479, *et seq.*; and the Unfair Competition Law (“UCL”), California

1 Business and Professions Code section 17200, *et seq.*

2 2. Since at least 2005, the Property has been, and currently is, a stronghold for
3 members and associates of the Eastside Wilmas ("ESW") criminal street gang. The Property¹
4 is located in ESW "turf," and is well-known among Los Angeles Police Department ("LAPD")
5 officers and community members alike as a problematic gang location. The ESW use the
6 Property as an anchor point for their illegal activities. Since 2013, there have been
7 approximately 14 reported incidents at the Property involving documented gang members;
8 and, during that time LAPD has arrested at least 15 gang members at the Property for crimes
9 including (among others) possession of narcotics, ex-con with a gun, and attempted murder.
10 Further, including the aforementioned arrests of gang members, LAPD has documented at
11 least 37 arrests at the Property since 2013, and at least 18 violent or dangerous incidents,
12 including assault with a deadly weapon, brandishing a firearm, possession of a dirk or dagger,
13 batteries, criminal threats, and witness intimidation.

14 3. ESW and their associates pose a serious threat to the Property's residents, as
15 well as the broader community. For example, in November 2012, a shootout occurred in front
16 of the Property involving three ESW gang members, resulting in a former United States Marine
17 being shot. The former Marine had been sitting in a parked car across from the Property with
18 his girlfriend, who resided at the Property. While sitting in the car, the couple observed three
19 ESW gang members exit the Property. The gang members approached the couple and
20 displayed a silver gun while making gang-related threats. The parties exchanged gunfire, and
21 one of the gang members shot the former Marine in the lower back.

22 4. In another incident in February 2015, a group of ESW gang members attacked
23 another ESW gang member inside the Property. The victim, who reportedly owed money to the
24 gang, was beaten with a baseball bat so badly that he had to be hospitalized. LAPD officers
25 arrested six ESW gang members, who were charged with attempted murder for their
26 participation in the attack; and, arrest warrants were issued for two additional ESW gang
27 members. Two of these gang members were arrested at the Property.

28 1 ESW gang members refer to the Property as "the Watson."

1 5. Troublingly, ESW has increasingly tightened its grip on both the Property and the
2 Right Step Inn's on-site operator, Defendant RAMESHKUMAR VAGHASHIA, who resides at
3 the Property. Although LAPD continues to receive credible information of ongoing gang activity
4 at the Property, that activity goes largely unreported due to residents' and VAGHASHIA's fear
5 of retaliation from the gang. Due to this atmosphere of intimidation, the Property has become
6 even more of a safe haven where ESW gang members conduct their illegal activities without
7 interference from the Property's ownership or the operators of the Right Step Inn. Plaintiff is
8 informed and believes, and thereon alleges, that the vast majority of crimes occurring at the
9 Property go unreported. As described in a Google review of the Right Step Inn posted within
10 the last year, "If you need to sleep and don't mind the drug dealers, prostitutes, gang
11 infestation, ... and don't mind being robbed this is the place for you."

12 6. Defendant BHAVNA JAYESH PATEL, the Property's title owner, was put on
13 notice as early as 2005 of the nuisance activity occurring at her Property. The Office of the Los
14 Angeles City Attorney held a case conference with PATEL and her sister in 2005 to discuss
15 the nuisance criminal activity at the Property and steps she could take to stop it. But the
16 nuisance activity occurring at the Property did not stop. To the contrary, as illustrated by the
17 incidents described above, it ultimately escalated.

18 7. Defendants' failure to implement appropriate security and other managerial "best
19 practices" allows the Property to persist as a dangerous public nuisance. The Defendant
20 owners and managers must play a far more robust, engaged, and committed role to put a halt
21 to the ongoing gang activity at the Property. This nuisance abatement prosecution is intended
22 to require such action by Defendants and to protect the health and safety of both the
23 Property's residents and members of the surrounding community.

24 II. THE PARTIES AND THE PROPERTY

25 A. Plaintiff

26 8. Plaintiff, the People, is the sovereign power of the State of California designated
27 in California Code of Civil Procedure section 731 to be the complaining party in actions brought
28 to abate, enjoin, and penalize public nuisances. Further, the City of Los Angeles has a

1 population in excess of 750,000, and as such, California Business and Professions Code
2 section 17204 authorizes Plaintiff, the People, to prosecute actions for relief under California
3 Business and Professions Code section 17200, *et seq.* for unfair competition.

4 **B. Defendants**

5 9. Defendant BHAVNA JAYESH PATEL first acquired an interest in the Property in
6 2004, as a joint tenant with her husband, Jayesh C. Patel. In 2010, after the death of Jayesh
7 C. Patel, the Property was transferred to Defendant BHAVNA JAYESH PATEL, trustee of the
8 BHAVNA JAYESH PATEL REVOCABLE LIVING TRUST dated January 16, 2010. She has
9 been the record owner of the Property from 2010 until the present. Defendant BHAVNA
10 JAYESH PATEL is also known as BHAVNA KIRAN PATEL.

11 10. Plaintiff is informed and believes, and thereon alleges, that Defendant BHAVNA
12 JAYESH PATEL has also owned and operated the Right Step Inn at the Property since 2004.

13 11. Defendant RAMESHKUMAR VAGHASHIA, also known as RAMESH KUMAR, is
14 the manager of the Right Step Inn and resides at the Property. Defendant VAGHASHIA has
15 represented to LAPD officers that he is also the owner of the Right Step Inn. Therefore,
16 Plaintiff is informed and believes, and thereon alleges, that Defendant VAGHASHIA has an
17 ownership interest in the Property and/or the Right Step Inn.

18 12. The true names and capacities of Defendants sued herein as Does 1 through 50,
19 inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious
20 names. When the true names and capacities of said Defendants have been ascertained,
21 Plaintiff will ask leave of the Court to amend this complaint and to insert in lieu of such fictitious
22 names the true names and capacities of said fictitiously named Defendants.

23 **C. The Property**

24 13. The Property is a single room occupancy hotel, doing business as the Right Step
25 Inn, located at the address commonly known as 813 Watson Ave., Wilmington, CA 90744. The
26 Property has approximately 38 units on 2 floors, with a communal restroom on each floor. Its
27 legal description is: "LOT 18 IN BLOCK 'G' OF WILMINGTON HARBOR TRACT, IN THE CITY
28 OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP

RECORDED IN BOOK 10, PAGE 69 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY," with Assessor's Parcel Number 7425-038-014.

14. The Property is less than 1,000 feet from the East Wilmington Greenbelt Community Center, a City of Los Angeles Department of Recreation and Parks facility that is home to a girls' basketball program for ages 8-15.

III. THE PUBLIC NUISANCE LAW

15. The abatement of a nuisance is a long-established and well-recognized exercise of the state's police power. (*People ex rel. Bradford v. Barbiere* (1917) 33 Cal.App. 770, 775-76; *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Civil Code section 3479 defines a nuisance as "[a]nything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property . . ." (See *Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word 'nuisance' in Civil Code section 3479 . . ."].)

16. Civil Code section 3480 defines a public nuisance as "one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

17. The case law is “replete with examples” of “the threat violent street gangs ... pose to the safety of peaceful Californians.” (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205, 1216.) The California Supreme Court has explicitly recognized that “[s]treet gang activity can often subject” innocent bystanders “to unacceptable levels of fear and risk.” (*Id.*) In *Medina v. Hillshore Partners* (1995) 40 Cal.App.4th 477, 486, involving a wrongful death claim by the mother of a young man shot by gang members at an apartment complex, the court said, “We agree that the congregation of gangs poses a foreseeable risk of harm to the public.” In particular, the whole spectrum of typical street gang conduct, ranging from loitering, to public drinking and boisterousness, to drug dealing, to gunfire, has been held to “easily meet the statutory standard” for a public nuisance under the PNL. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

1 18. Civil Code section 3491 provides for the methods by which public nuisances
2 such as those alleged herein may be abated. Section 3491 states that the "remedies against a
3 public nuisance are: 1. Indictment or information; 2. A civil action; or, 3. Abatement."
4 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
5 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

6 19. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
7 to enjoin or abate a public nuisance. It provides, in relevant part, "A civil action may be brought
8 in the name of the people of the State of California to abate a public nuisance ... by the city
9 attorney of any town or city in which the nuisance exists."

10 20. "[S]trict liability for nuisance historically attends the possession and control of
11 land." (*Leslie Salt Co. v. San Francisco Bay Conservation etc. Com.* (1984) 153 Cal.App.3d
12 605, 618, fn. 15). "[I]t is immaterial whether the acts be considered wilful or negligent; the
13 essential fact is that, whatever be the cause, the result is a nuisance." (*Snow v. Marian Realty*
14 Co. (1931) 212 Cal. 622, 625-26; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
15 Cal.App.2d 306, 318 ["a nuisance and liability therefor may exist without negligence"]; *People*
16 *v. McCaddon* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
17 nuisance was conducted and maintained on the premises in question, regardless of the
18 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner ... is
19 unnecessary."].) Courts apply this strict standard because "the object of the act is not to
20 punish; its purpose is to effect a reformation in the property itself." (*People v. Bayside Land Co.*
21 (1920) 48 Cal.App. 257, 261.)

22 IV. UNFAIR COMPETITION LAW

23 21. The UCL, at Business and Professions Code section 17200 *et seq.*, forbids any
24 business practices otherwise forbidden by law, be it criminal, federal, state, municipal,
25 statutory, regulatory, or court-made. As the California Supreme Court has explained, the UCL
26 "borrows' violations of other laws and treats them as unlawful practices independently
27 actionable under section 17200 *et seq.*" (*South Bay Chevrolet v. General Motors Acceptance*
28 *Corp.* (1999) 72 Cal.App.4th 861, 880 (citation and internal quotation marks omitted).)

1 22. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes ‘anything
2 that can properly be called a business practice and that at the same time is forbidden by law.’”
3 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of a hotel or
4 motel is a business activity. (See *Clark v. San Pablo* (1969) 270 Cal.App.2d 121, 126.) Thus,
5 when a property owner conducts, maintains, or permits a nuisance that is unlawful under the
6 PNL to exist on the premises of such a business, it is a violation of the UCL. (See *City and*
7 *County of San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1305-08.)

8 23. Moreover, the UCL casts a broad net. “Any person who engages, has engaged,
9 or proposes to engage in unfair competition may be enjoined in any court of competent
10 jurisdiction.” (Bus. & Prof. Code, § 17203.) The term person includes “natural persons,
11 corporations, firms, partnerships, joint stock companies, associations and other organizations
12 of persons.” (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200’s net
13 beyond direct liability to include common law doctrines of secondary liability where the liability
14 of each defendant is predicated on his or her personal participation in the unlawful practices.
15 (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int’l Service Ass’n* (2002) 95
16 Cal.App.4th 952, 960.)

17 24. Civil actions under the UCL may be brought in the name of the People of the
18 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
19 & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to
20 section 17200 based on violations of its own municipal code, state law, or other local
21 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

22 25. Defendants engaging in violations of the UCL may be enjoined in any court of
23 competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or
24 judgments, including appointment of a receiver, as may be necessary to prevent the use or
25 employment by any person of any practice constituting unfair competition. (*Id.*)

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V. **FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

[Civil Code section 3479, et seq. --

Against All Defendants and DOES 1 through 50]

26. Plaintiff hereby incorporates by reference paragraphs 1 through 25 of this Complaint and makes them part of this First Cause of Action as though fully set forth herein.

6 27. Since at least 2005, through the present time, Defendants, and DOES 1 through
7 50, have alternately owned, operated, managed and used, and/or directly or indirectly
8 permitted to be occupied and used, the Property in such a manner as to constitute a public
9 nuisance in accordance with Civil Code sections 3479 and 3480. The public nuisance, as
10 described herein, is injurious to health, indecent or offensive to the senses, and/or an
11 obstruction to the free use of property, so as to substantially and unreasonably interfere with
12 the comfortable enjoyment of life or property by those persons living either in the Property or in
13 the surrounding community. The public nuisance consists of, but is not limited to, the regular,
14 menacing, intimidating, violent, and disorderly presence of resident and non-resident gang
15 members and/or associates at the Property; the presence of weapons and gunfire at the
16 Property; batteries and criminal threats committed at the Property; and illegal narcotics activity
17 at the Property.

18 28. Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or
19 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
20 wrongful conduct and caused a serious threat to the general health, safety, and welfare of the
21 law-abiding tenants at the Property and persons in the area surrounding the Property.

22 29. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
23 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit,
24 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
25 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
26 and irreparable damage of Plaintiff and in violation of California law.

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VI. SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION

[Business and Professions Code section 17200, et seq. --

Against All Defendants and DOES 1 through 501

30. Plaintiff hereby incorporates by reference paragraphs 1 through 29 of this Complaint and makes them part of this Second Cause of Action as though fully set forth herein.

31. Ownership and operation of the Property is a business. When the owner and/or manager of such a business violates the PNL such that a nuisance exists and flourishes at the business's premises, as alleged herein, it is also a violation of the UCL.

32. Defendants and DOES 1-50 have violated the UCL by conducting, maintaining, and/or permitting, directly or indirectly, a nuisance in violation of the PNL, at the Property, as alleged herein.

33. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50 are restrained by this Court they will continue to commit unlawful business practices or acts, thereby causing irreparable injury and harm to the public's welfare

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE, AND
DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION

1. That the Property, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and be permanently abated as such in accordance with Civil Code section 3491

23 2. That each Defendant and his or her agents, officers, employees, and anyone
24 acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
25 from operating, conducting, using, occupying, or in any way permitting the use of the Property
26 as a public nuisance. Such orders should include, but not be limited to, physical and
27 managerial improvements to the Property, the appointment of a receiver to carry out the
28 Court's orders, and such other orders as are appropriate to remedy the nuisance on the

Property and enhance the abatement process.

3. That Plaintiff be awarded such costs as may occur in abating said nuisance at the Property and such other costs as the Court shall deem just and proper.

4. That Plaintiff be granted such other and further relief as the Court deems just and proper, including closure and/or demolition of the Property.

AS TO THE SECOND CAUSE OF ACTION

1. That each Defendant be declared in violation of Business and Professions Code section 17200.

2. That each Defendant, as well as his or her agents, heirs, successors, and anyone acting on his or her behalf, be permanently enjoined from maintaining, operating, or permitting any unlawful or unfair business acts or practices in violation of Business and Professions Code section 17200.

3. That the Court grant a preliminary and/or permanent injunction prohibiting each Defendant, as well as his or her agents, heirs, successors, and anyone acting on his or her behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the Property and in the City of Los Angeles. Such orders should include physical and managerial improvements to the Property.

4. That, pursuant to Business and Professions Code section 17206, each Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

5. That, pursuant to the Court's equitable power and Business and Professions Code section 17203, the Court make such orders or judgments, including appointment of a receiver, to eliminate the unlawful or unfair competition alleged herein.

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AS TO ALL CAUSES OF ACTION

1. That Plaintiff recover the amount of the filing fees and the amount of the fee for the service of process or notices which would have been paid but for Government Code section 6103.5, designating it as such. The fees may, at the Court's discretion, include the amount of the fees for certifying and preparing transcripts.

2. That Plaintiff be granted such other and further relief as the Court deems just and proper.

DATED: June 15, 2017

Respectfully submitted,

MICHAEL N. FEUER, City Attorney
JONATHAN CRISTALL, Superv. Asst. City Attorney

By:

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STATE OF CALIFORNIA